

IN THE HIGH COURT OF JUDICATURE OF BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION**

GUARDIANSHIP PETITION NO.52 OF 2005

Bhaskar Dhanak

..Petitioner.

Mr.V.R.Walawalkar i/b M/s.B.Amin & Co. for petitioner.

CORAM: A.M.KHANWILKAR, J**DATE : AUGUST 17, 2005.****P.C. :**

1. The petitioner claims to be the executor of the Will left by deceased Veena Mohan Chainani. The deceased however, has left behind the only son Vinod, who has been bequeathed with the entire estate of the deceased valued at Rs. 26,33,785/-. The petitioner has been appointed as executor of the same will. The said Vinod is stated to be of unsound mind. To verify the correctness of the assertion that the said Vinod Mohan Chainani, sole beneficiary of the Will, left behind by the deceased Veena Mohan Chainani is of unsound mind, this court directed Medical check up of said Vinod before the Regional Mental Hospital, Thane. In terms of the directions issued by this court, the said Vinod has been examined by Medical Superintendent of Regional Mental Hospital. As is mentioned in the report dated 7th July, 2005, condition of the said Vindo has been summarised in

the report as one having severe Mental Retardation with grand mal epilepsy and without support he cannot do daily routine activities. In the light of this report, in my opinion, in the interest of the said Vinod Mohan Chainani, it is appropriate that relief claimed under this petition be granted. As the petitioner is executor of the will left behind by the deceased Veena Chainani. The petitioner and the person to be appointed as guardian of Vinod is none other than cousin brother of Vinod Chainani.

2. Accordingly, the petition is made absolute in terms of prayer clause (a) which reads thus :

"(a) that the said Prakash Ghanshyam Wadhwani or some other proper person be appointed Guardian for the petition for or of the said Vinod Mohan Chainani and of his property."